REMARKS

Applicant replies to the Office Action mailed on August 6, 2008, within five months. Claims 1-3 and 6-38 are pending in the application and the Examiner rejects claims 1-3 and 6-38. Support for the claim amendments may be found in the originally-filed specification, claims, and figures. Applicant submits that no new matter has been introduced with these amendments. Applicants respectfully disagree with these rejections but have amended the claims and added a new claim in order to clarify the patentable aspects of the claims and to expedite prosecution. Applicant respectfully requests reconsideration of this application.

When "at least one of A, B, or C" is used in the claims, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicant thanks the Examiner for the interview conducted on October 15, 2008 with Applicant's counsel. In the interview, Applicant's counsel distinguished Simionescu et al., US 2003/0084337 A1 ("Simionescu") from the claimed invention. Specifically, Applicant's counsel identified that Simionescu does not provide truly remote management functionality because the Simionescu reference requires an intermediate hardware device (i.e. the master device) that is physically attached to the system that is to be updated (i.e. the host computer). Applicant's counsel proposed claim amendments to explicitly highlight this distinction and the Examiner indicated that, based upon her understanding of the proposed amendments and the cited references at the time, the claim amendments may be helpful in overcoming the cited references.

35 U.S.C § 103

The Examiner rejects claims 1-3 and 6-38 under 35 U.S.C. 103(a) as being unpatentable over Aghera et al., US 2004/0098715 A1 ("Aghera"), in view of Simionescu et al., US 2003/0084337 A1 ("Simionescu").

Simionescu discloses systems and methods for controlling the boot mechanism for a networked device. The Simionescu system includes a tiered architecture, a host computer, a master device, and a management console. The master device is physically connected to the host computer, or multiple host computers, via the host's bus extension and the master device can be

controlled from the management console that can be remote from the master device. Simionescu further discloses the master device assuming control of the host's boot process.

Significantly, Simionescu does not allow for controlling a host computer directly from a remote location. Instead, Simionescu instead discloses intermediate hardware (i.e. the master device) that can receive remote instructions and that "assumes control over the host computer's boot mechanism **via the host extension bus**." (Para. 0025, see also Para. 34, Figure 2 and Figure 13). "[A] master device is **connectable to the host computer through the extension bus** and governs the boot process of the host computer, **thereby serving as an embedded middle layer in the tiered architecture of the present system.**" (Para. 0028).

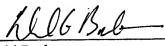Therefore, Simionescu does not disclose or contemplate at least,

"receiving, **via radio frequency (RF) communication directly from a software server**, transferred software at a software-defined radio device, said software server remotely located with respect to said software-defined radio device" or "receiving, **via radio frequency (RF) communication directly from the software server, an instruction at said software-defined radio device identifying a selected software application specifying whether said transferred software or said currently running software will be loaded by said software-defined radio device during a restart of said software-defined radio device**" as recited in independent claim 16 (emphasis added), and as similarly recited in independent claims 1, 27 and 39. None of the cited references, alone or in combination, account for this deficiency. For at least this reason, Applicant respectfully submits that independent claims 1, 16, 27 and 39 are allowable over the cited references.

Dependent claims 3, 6-15, 17-26, 28 and 30-36 variously depend from independent claims 1, 16 and 27, so dependent 3, 6-15, 17-26, 28 and 30-36 are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as their invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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